

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 SCOTT SALLEY,

13 Defendant.  
14

Case No. CR20-220RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS  
DATES

15 This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial  
16 and Pretrial Motions Dates." Dkt. # 25. Having considered the facts set forth in the motion, and  
17 defendant's knowing and voluntary waiver, Dkt. # 24, the Court finds as follows:

18 1. The Court adopts the facts set forth in the unopposed motion: specifically, that substantial  
19 discovery has been provided, that defendant is in the process of obtaining an evaluation, that the  
20 parties will need to review and discuss the evaluation once it is completed, and that defense  
21 counsel has a trial set July 19, 2021 in Pierce County Superior Court. Dkt. # 25. The Court  
22 accordingly finds that a failure to grant a continuance would deny counsel, and any potential  
23 future counsel, the reasonable time necessary for effective preparation, taking into account the  
24 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

25 2. The COVID-19 pandemic continues to impact the Court's operations. See W.D. Wash.  
26 Gen. Order Nos. 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 (incorporated by  
27 reference). In particular, the COVID-19 pandemic has made it difficult for the Court to obtain an  
28 adequate spectrum of jurors to represent a fair cross section of the community, and public health

ORDER GRANTING UNOPPOSED MOTION  
TO CONTINUE TRIAL - 1

1 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in  
2 the courtroom. The Court finds that proceeding with an earlier trial would likely result in a  
3 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

4 3. The Court finds that the additional time requested between July 26, 2021 and the  
5 proposed trial date of September 27, 2021, is a reasonable period of delay. The Court finds that  
6 this additional time is necessary to provide counsel reasonable time to prepare for trial,  
7 considering all the facts set forth above.

8 4. The Court further finds that this continuance would serve the ends of justice, and that  
9 these factors outweigh the best interests of the public and defendant in a speedier trial, within  
10 the meaning of 18 U.S.C. § 3161(h)(7)(A).

11 5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy  
12 trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right  
13 and consented to the continuation of his trial to a date up to and including October 27, 2021,  
14 Dkt. # 24, which will permit his trial to start on September 27, 2021, per defendant's request.

15 IT IS HEREBY ORDERED that the trial date shall be continued from July 26, 2021, to  
16 September 27, 2021, and pretrial motions are to be filed no later than August 27, 2021.

17 IT IS FURTHER ORDERED that the period of time from the current trial date of July  
18 26, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy  
19 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of  
20 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
21 (h)(7)(A), and (h)(7)(B).

22 IT IS SO ORDERED.

23 DATED this 28th day of June, 2021.

24  
25 

26 Robert S. Lasnik  
27 United States District Judge  
28